

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 20-186 (JRT/LIB)

Plaintiff,

v.

ORDER

SHIMON SHAKED,

Defendant.

Joseph Thompson, Angela Munoz, Assistant United States Attorneys,
UNITED STATES ATTORNEY'S OFFICE, 300 South Fourth Street, Suite 600,
Minneapolis, MN 55415, for plaintiff,

Marsh J Halberg, **HALBERG CRIMINAL DEFENSE**, 7900 Xerxes Avenue
South, Suite 1700, Bloomington, MN 55431, for defendant.

This matter is before the court on the defendant's Motion to Change Venue [ECF No. 41]. The Federal Rules of Criminal Procedure provide that "the government must prosecute an offense in the district where the offense was committed." Fed. R. Crim. P. 18. The court may transfer proceedings for the convenience of the parties, victims, or witnesses. Fed. R. Crim. P. 21(b). "The decision whether the convenience of the parties and witnesses and the interest of justice require a [venue transfer] belongs to the sound discretion of the district court." *United States v. Green*, 983 F.2d 100, 103 (8th Cir. 1992). Transfer is also appropriate where "the court is satisfied that so great a prejudice against the defendant exists in the transferring district

that the defendant cannot obtain a fair and impartial trial there.” Fed. R. Crim. P. R. 21(a). However, the Eighth Circuit has repeatedly held that it is preferable to await voir dire before deciding motions for a change of venue. *United States v. Poludniak*, 657 F.2d 948, 955 (8th Cir. 1981). “A pretrial venue change is called for only in those situations where the pretrial publicity in a community is so extensive and inflammatory as to raise a presumption that an impartial jury could not be seated there.” *United States v. Bliss*, 735 F.2d 294, 297 (8th Cir. 1984).

The court has reviewed the motion and considered the issues raised by defendant regarding the possibility of a fair trial and the convenience of counsel. Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that the defendant’s motion is **DENIED**.

DATED: August 9, 2021
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court